

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 25-mj-5067

KIA ALAVI

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 28, 2025, in the Western District of New York, the defendant, an alien, did knowingly and willfully enter the United States at a time and place other than as designated by Immigration Officers for entry into the United States.

In violation of Title 8, United States Code, Section 1325(a)(1).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

RYAN KWIATKOWSKI
PATROL AGENT
U.S. BORDER PATROL

Printed name and title

Sworn to before me and signed telephonically.

Date: April 1, 2025


Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS:
CITY OF NIAGARA FALLS)

I, **RYAN A. KWIATKOWSKI**, being duly sworn, deposes and states:

1. I am a United States Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS), stationed in Niagara Falls, New York. I have been employed as a Border Patrol Agent for thirteen (13) years. In such capacity, my official duties include investigating persons who have violated federal immigration laws and other related federal statutes. I have conducted and participated in investigations relating to Unauthorized entry in the United States, in violation of Title 8, United States Code, Section 1325(a)(1).

2. As a Border Patrol Agent, I am authorized to investigate violations of laws of the United States, and I am a Law Enforcement Officer with the authority to affect arrests and execute criminal complaints and warrants issued under the authority of the United States. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Sections 1325(a)(1).

3. I make this affidavit in support of a criminal complaint charging **KIA ALAVI** (hereinafter "the defendant"), born in 1985, an alien and a national of Iran and permanent

resident of Canada, with entering the United States at a time and place not designated as a port of entry, in violation of Title 8, United States Code, Section 1325(a)(1).

4. The statements contained in this affidavit are based upon my personal observations, my training and experience, my review of official records, and upon information provided to me by other U.S. Border Patrol Agents and other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant did knowingly violate Title 8, United States Code, Section 1325(a)(1).

5. On or about March 28, 2025, at approximately 12:40 a.m., Buffalo Sector Dispatch advised Niagara Falls Border Patrol Agents of an activation of a foot activated sensor, located in the United States on the Whirlpool train bridge, in Niagara Falls, New York. Border Patrol Agent (BPA) Daniel Guglielmi immediately responded to the area. BPA Guglielmi saw the defendant walking towards him and made had his initial interaction with him. BPA Guglielmi identified himself as a United States Border Patrol Agent and informed the defendant that he had entered the United States illegally. The defendant indicated he was also not in possession of any immigration documents allowing him to be lawfully present in the United States.

6. BPA Guglielmi took the defendant into custody. As a part of processing, an electronic scan of the defendant's fingerprints into the Integrated Automated Fingerprint Identification System (IAFIS) to verify his identity and any immigration history he may have in

the United States. This query resulted in an identical biometric match revealing that the defendant had been issued FBI number 82D2DXPA5, and immigration fingerprint identification number 1378215652. FBI number 82D2DXPA5 referenced no prior criminal history.

7. Immigration database record checks associated to alien number A226163906 revealed that the defendant was ordered removed once previously by Assistant Patrol Agent in Charge Russell Eiser, in Niagara Falls, New York on or about March 24, 2025. Records further revealed that the defendant was physically removed from the United States, through Niagara Falls, New York at the Rainbow Bridge, on or about March 24, 2025.

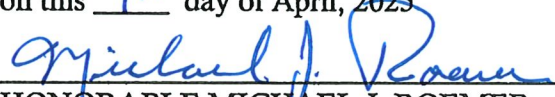
8. Record checks failed to disclose any record that the defendant had applied for or received the requisite permission to enter the United States from the Attorney General or the Secretary of Homeland Security.

9. Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that **KIA ALAVI** did enter the United States at a time and place not designated as a port of entry on March 29, 2025, all in violation of Title 8, United States Code, Section 1325(a)(1).



RYAN A. KWIATKOWSKI
Patrol Agent
United States Border Patrol

Sworn to me and signed telephonically
on this 15th day of April, 2025



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge